

REMARKS

Claims 1-4 and 6-8 are currently pending in the application, Claim 1 being the only independent claim. Claim 5 has been canceled. Claims 1 and 4 have been amended. Independent Claim 1 has been amended to include the limitations of Claim 5 (amended to address the issues noted in the Section 112 rejection described below).

Reconsideration of this application in view of the foregoing amendments and the following remarks is respectfully requested.

REJECTIONS UNDER 35 U.S.C. 112

Claims 4 and 5 are were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended to include the feature originally included in dependent Claim 5, but also clarifies the issue raised in the Action as to that limitation. Specifically, the feature originally included in Claim 5 of "wherein the inside of said polyhedron (B) is partitioned into a plurality of rooms, at least one of the rooms being a closed chamber and the rest of the rooms being an open chamber leading to the outside of the polyhedron (B), said water-absorbent resin particles (A) being sealed within said closed sealed chamber, said open chamber being provided with a feeding mouth in order to feed a heavy solid thereinto", has been amended on the basis of the description of the original specification (paragraphs [0045]-[0046] of the international publication, and paragraphs [0082]- [0083] of the US published application), to the description of "wherein the polyhedron has a structure in which the inside thereof *is* partitioned into a plurality of rooms, at least one of the partitioned rooms being a chamber fully enclosed with a partition and the rest of the rooms being an open chamber leading to the outside of the polyhedron (B), said water-absorbent resin particles (A) being sealed within said fully enclosed chamber". This is believed to address the Examiner's comments found at the paragraph bridging pages 2-3 of the Action, and also the last paragraph of section 2 of the Action.

The amendment to dependent Claim 4 clarifies the description of "is provided with a stitch on the side" in the original Claim 4 by changing it, on the basis of the description in the original specification (paragraph [0049] of the international publication, and paragraph

[0088] of the US published application), to "wherein said polyhedron (B) has a seam along each edge thereof".

More specifically, each of Claims 1 and 4 has been amended in such a way that the meanings of "closed chamber" and that of "stitch" have been clarified

In the specification of the present application (paragraph [0049] of the international publication and paragraph [0088] of the US published application), there are descriptions of "stitch" that support the proposed amendments. Dependent Claim 4 has been amended to clarify that the stitch and the polyhedron are not 'physically separated'.

With regard to the recited "closed chamber" (of Claim 5), "closed" is considered to have the meaning that "passage between inside and outside is blocked". The polyhedron of the present application is made of a water permeable material and therefore is not "closed" in such a manner that would prevent *water* from entering the chamber.

Finally, with regard to the original recitation in Claim 5 of a "heavy solid" – Applicant submits that the specification makes clear that the term "heavy solid" was used with regard to a feeding mouth "in order to feed a heavy solid thereto" -- thereby defining the purpose of arranging the feeding mouth and the function thereof. However, the claim language has been amended in such a manner as to eliminate the need for this term – i.e., to define that the feeding mouth is opened.

REJECTIONS UNDER 35 U.S.C. 102

Claims 1-3, 5 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Nakashima et al. (U.S. Patent No. 4,908,248). In light of the foregoing claim amendments, to clarify the scope of the invention and to address the misunderstandings of the Examiner based upon the former claim language, this rejection is respectfully traversed and reconsideration is requested.

Specifically, independent Claim 1 has been amended herein and is directed to a water-swellaable waterproof sealant, which includes water-absorbent resin particles (A) sealed within a polyhedron (B) composed of a water-permeable sheet, wherein the polyhedron has a structure in which the inside thereof is partitioned into a plurality of rooms, at least one of the partitioned rooms being a fully enclosed chamber, the fully enclosed chamber fully enclosed with a partition and the rest of the rooms being an open chamber leading to the outside of the polyhedron (B), the water-absorbent resin particles (A) being sealed within the fully enclosed chamber.

Nakashima is directed to a cooling device that includes a “single pouch or a plurality of continuous pouches, wherein each pouch has at least one face thereof being made of water-permeable material and has sealed therein a hygroscopically sealed swelling material. Nakashima does *not however* teach or suggest a water-swellable waterproof sealant in accordance with amended independent Claim 1 (i.e., Nakashima fails to teach or suggest a polyhedron that has “a structure in which the inside thereof is partitioned into a plurality of rooms, at least one of the partitioned rooms being a chamber fully enclosed with a partition and the rest of the rooms being an open chamber leading to the outside of the polyhedron (B)”).

For at least the foregoing reason, Applicant respectfully submits that Claim 1, as amended herein, is patentable over Nakashima and reconsideration is requested.

REJECTIONS UNDER 35 U.S.C. Sec. 103(a)

Dependent Claims 4, 6 and 7 were rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Nakashima.

Dependent Claims 4, 6 and 7 depend from independent Claim 1 and are therefore believed patentable over Nakashima for at least the same reasons as Claim 1 – these claims also recite additional limitations that even further define over Nakashima. Accordingly, this rejection is respectfully requested and reconsideration is requested.

CONCLUSION

In view of the above, Applicants submit that all pending claims are patentable over the cited references, and that the application is in condition for allowance. If the Examiner believes there are still unresolved issues, a telephone call to the undersigned would be welcomed.

The Examiner’s consideration of this matter is gratefully acknowledged.

FEES

Authorization is hereby provided to charge the one-month extension fee (\$130) and any additional fees that may be due and owing as a result of this Amendment and Response to Office Action (or credit any overpayments) to Deposit Account 50-1047.

Dated: January 22, 2010

Respectfully submitted,

/Karin L. Williams/
Karin L. Williams
Registration No. 36,721

Attorney for Applicants
Mayer & Williams PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090
(908) 518-7700 Tel.
(908) 518-7795 Fax